

10-148 Chapter 33

Rules for Family Child Care Providers

Section X. MATERIALS, EQUIPMENT AND ACTIVITIES

E-1)

Use of lakes and ponds. For the use of lakes and ponds, away from the family child care premises, the family child care provider must comply with all applicable sections of these rules, including the following:

1. **Parental permission.** Prior to allowing a child to participate in swimming activities in lakes and ponds, the family child care provider must have written permission from the parent or legal guardian. The department-approved parental permission form shall describe the swimming activities offered at lakes and ponds, the child's swimming ability and shall include the child's name, location of the lake or pond, the parent's signature and date. A parental permission form expires 12 months from the date it is signed. At least annually, the written parental permission form must be updated, signed and dated by the parent or legal guardian. The signed and dated parental permission form must be placed in the file maintained by the family child care provider for each child's records.
2. **Parental notice that no lifeguard is on duty.** A family child care provider that offers lake and pond activities must give a department-approved written notice to each child's parent or legal guardian that there will be no lifeguard on duty at lakes and ponds. The provider must obtain written parental permission, pursuant to Section X(E-1)(1)(above) of these rules, from the parent or legal guardian prior to allowing a child to participate in swimming activities at lakes and ponds.
3. **Water safety plan.** The family child care provider must have a written water safety plan for swimming activities at lakes and ponds that includes the following:
 - 3-1 The staff-to-child ratio must be maintained at all times.
 - a) If the lake or pond is more than four (4) feet deep at any point, only adults who can swim may be counted in the staff-to-child ratios.
 - b) For lakes and ponds, water safety attendants, including lifeguards, and swimming instructors do not count toward staff-to-child ratios. Water safety attendants, including lifeguards, must be stationed outside and next to the lake or pond.
 - 3-2 No fewer than 2 staff persons who are at least 18 years of age must be present at all times during swimming activities at lakes and ponds.

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- 3-3 At all times during swimming activities at lakes and ponds at least one staff person present must be trained as a water safety attendant, except no lifeguard must be on duty at lakes and ponds during swimming activities.
- For purposes of these rules, “water safety attendant” is a person trained in rescue techniques whose job is to watch over swimmers in off-site swimming and wading destinations. As required by this rule, appropriately trained water safety attendants include a lifeguard; a person with valid CPR and first aid certificates; and a person who has completed a Department-approved basic water safety course that includes training in non-swimming rescue techniques.
- 3-4 Prior to any child entering the water, the family child care provider must ensure that a barrier, such as a roped-off area with buoys, is in place that limits the swimming area in the lake or pond to an area that is no wider than 16 feet across at any point and partitions off a part of the water that is no deeper than 4 feet at any point.
- 3-5 All children 8 years of age and younger must wear a Coast Guard-approved flotation device, properly fitted for age and weight, in the water at all times, except during swim instruction programs.
- 3-6 All children over 8 years of age must wear a Coast Guard-approved flotation device, properly fitted for age and weight, in the water at all times unless the child has taken swimming lessons and can demonstrate the ability to swim. During swim instruction programs the child does not need to wear a flotation device.